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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DONN A. ROWE, R.Ph., and	FINAL DECISION AND ORDER
ROWE WHITE CROSS PHARMACY,	99 PHM 59
RESPONDENTS.	LS0005175PHM

The parties to this action for the purposes of §227.53, Wis. Stats., are:

Mr. Donn A. Rowe, R.Ph.
128 Ohio Ave.
Montreal, WI 54550

Rowe White Cross Pharmacy
314 Silver St.
Hurley, WI 54534

Wisconsin Pharmacy Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Donn A. Rowe (dob 6/2/1946) is and was at all times relevant to the facts set forth herein a registered pharmacist licensed in the State of Wisconsin pursuant to license #7953, originally granted on 1/30/1970. At all times relevant to the matters set forth below, respondent was the managing pharmacist and owner of co-respondent Rowe White Cross Pharmacy, Hurley, Wisconsin, where the conduct set forth below took place, and was responsible for all policies and procedures at the pharmacy.
2. Respondent Rowe White Cross Pharmacy, is and was at all times relevant to the facts set forth herein a community pharmacy licensed in the State of Wisconsin pursuant to license # 6108, originally granted for its current location on 7/8/1981.
3. On 11/4/1998, Respondent dispensed 20 tablets of propoxyphene, a controlled substance, to Northwoods

Dental Clinic.

4. On 12/12/1998, Respondent dispensed 12 tablets of hydrocodone and 20 tablets of propoxyphene, both controlled substances, to Northwoods Dental Clinic.
5. On 1/7/1999, Respondent dispensed 20 tablets of hydrocodone, a controlled substance, to Northwoods Dental Clinic.
6. On 1/20/1999, Respondent dispensed 20 tablets of hydrocodone and 20 tablets of propoxyphene, both controlled substances, to Northwoods Dental Clinic.
7. On 3/9/1999, Respondent dispensed 20 tablets of hydrocodone and 15 tablets of propoxyphene, both controlled substances, to Northwoods Dental Clinic.
8. Respondent treated these as prescription orders, and recorded and dispensed them accordingly. These prescription orders were not for any specific patients and were listed as having been dispensed to Northwoods Dental on the pharmacy's computerized prescription profile. Dr. V. from Northwoods Dental Clinic called in these orders because he wanted Northwoods Dental Clinic to have a supply of controlled substances on-hand in case patients needed pain medications.
9. Respondent Rowe stated that he was not aware that it was illegal to use a prescription order to obtain controlled substances for a facility or prescriber for the purpose of general dispensing to patients.

CONCLUSIONS OF LAW

A. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to §450.10, Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

B. The conduct described in paragraphs 3-8, above, violated § Phar 8.04(2) Wis. Adm. Code and 21 CFR §1306.04(b). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Donn A. Rowe, R.Ph., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that Rowe White Cross Pharmacy is REPRIMANDED for its unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondents shall jointly and severally FORFEIT \$500, to be paid within 30 days of this order.

IT IS FURTHER ORDERED, that respondents shall jointly and severally pay COSTS in this matter in the amount of \$350, within 30 days of this order.

IT IS FURTHER ORDERED, that pursuant to §227.51(3), Wis. Stats., and ch. RL 6, Wis. Adm. Code, if the Board determines that respondent has not paid the forfeiture or costs imposed herein, the Board may order that the license of respondent be summarily suspended pending investigation of the alleged violation.

Dated this May 17, 2000

WISCONSIN PHARMACY EXAMINING BOARD, by:

s/

John Bohlman, R.Ph.

a member of the board